

REMARKS / ARGUMENTS

Claims 16 and 28-34 are pending in the present application. Of these, claims 16 and 28 are independent.

Claims 16 and 28-35 were rejected as being unpatentable over claims 1, 3-4 and 11 of U.S. Patent No. 6,629,953. Applicant shall address this rejection upon allowance of a claim in the present application.

Claims 16, 28-30 and 33 were rejected as being anticipated by Kleshinski (U.S. Patent No. 6,245,012). Claims 31-32 were rejected as being unpatentable over Kleshinski in view of Fearnot (U.S. Patent No. 5,100,423). Claims 34-35 were rejected as being unpatentable over Kleshinski.

Discussion

Applicant respectfully submits that independent claims 16 and 28 are allowable over Kleshinski since Kleshinski does not disclose or suggest "a material removing element positioned within the cage to remove the material extending into the openings, the material removing element being movable along the inner surface of the cage to remove the material extending into the openings." Applicant respectfully disagrees with the assertion in the Office Action that the stent 14 is capable of being used as the claimed "material removing element." Nowhere does Kleshinski disclose or suggest that the stent 14 could be used to remove material extending through the filter mesh 22.

Kleshinski discloses that extending "around the stent 14 and attached thereto is a flexible, fine mesh filter material 22 which opens at the proximal end 18 of the stent and covers the body of the stent. Ideally, the stent extends over this mesh filter material" (column 4, lines 8-10, emphasis added). Thus, the stent 14 of Kleshinski is attached to the filter mesh and is not movable relative to the filter mesh. Furthermore, Kleshinski states that the stent extends over the mesh filter material rather than beneath the mesh

material and, thus, the stent is not capable of removing material from within the mesh since it is ideally positioned over the mesh.

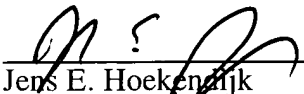
Dependent claims 29-35 are allowable since they depend from allowable independent claim 28.

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

May 7, 2008
Date



Jens E. Hoekendijk
Reg. No. 37,149

Jens E. Hoekendijk
P.O. Box 4787
Burlingame, CA 94011-4787
Tel.: 415-412-3322
Fax: 650-344-9629